

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
MICHAEL MURPHY, on behalf of himself
and all others similarly situated,

Plaintiff,

ANSWER

-against-

CV-08-6864
(Marrero, J.)

AFNI, INC.,

Defendant(s).
-----x

Defendant, AFNI, INC., by its attorney Mel S. Harris and Associates, LLC, answers plaintiff's complaint as follows:

1. Defendant acknowledges the being sued pursuant to the Fair Debt Collection Practices Act, but denies any violation thereof.
2. Defendant admits that this Court has jurisdiction over this claim.
3. Defendant admits the allegations contained in paragraph "3" of the complaint.
4. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "4" of the complaint.
5. Defendant admits the allegations contained in paragraph "5" of the complaint.

6. Defendant denies each and every allegation contained in paragraph "6" of the complaint.

7. Defendant denies each and every allegation contained in paragraph "7" of the complaint.

8. Defendant denies each and every allegation contained in paragraph "8" of the complaint.

9. Defendant denies each and every allegation contained in paragraph "9" of the complaint.

10. Defendant denies each and every allegation contained in paragraph "10" of the complaint.

11. Defendant denies each and every allegation contained in paragraph "11" of the complaint.

12. Defendant denies each and every allegation contained in paragraph "12" of the complaint.

13. Defendant denies each and every allegation contained in paragraph "13" of the complaint.

14. Defendant denies each and every allegation contained in paragraph "14" of the complaint.

15. Defendant admits the allegations contained in paragraph "15" of the complaint.

16. Defendant admits the allegations contained in paragraph "16" of the complaint.

17. Defendant admits receiving correspondence from a representative of the plaintiff, but otherwise denies the allegations contained in paragraph "17" of the complaint.

18. Defendant admits the allegations contained in paragraph "18" of the complaint.

19. Defendant denies each and every allegation contained in paragraph "19" of the complaint.

20. Defendant denies each and every allegation contained in paragraph "20" of the complaint.

21. Defendant denies each and every allegation contained in paragraph "21" of the complaint.

22. Defendant denies each and every allegation contained in paragraph "22" of the complaint.

23. Defendant denies each and every allegation contained in paragraph "23" of the complaint.


24. Defendant denies each and every allegation contained in paragraph "24" of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

25. Any violation of law by defendant, which is specifically denied, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

WHEREFORE, the defendant respectfully requests that plaintiff's complaint be dismissed.

Dated: New York, NY
August 28, 2008



Arthur Sanders (AS1210)
MEL S. HARRIS AND ASSOCIATES, LLC
Attorneys for defendant
5 Hanover Square - 8th Floor
New York, NY 10004
212-660-1050

TO:

ABRAHAM KLEINMAN, ESQ.
Attorney for plaintiff
626 RexCorp Plaza
Uniondale, NY 11556